



House of Representatives

General Assembly

File No. 337

January Session, 2001

Substitute House Bill No. 6554

House of Representatives, April 18, 2001

The Committee on Environment reported through REP. STRATTON of the 17th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE DRUG TESTING OF ANIMALS IN DRAWING CONTESTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 22-126a of the general statutes is repealed and the
2 following is substituted in lieu thereof:

3 (a) The Commissioner of Agriculture, at the request and expense of
4 the authority in charge of any animal drawing contest, shall provide
5 for the administration of a program to test, immediately before or after
6 a drawing contest, for the presence of drugs in any animals
7 participating in such contest. The authority may charge the owner of
8 the animal being tested for the cost of such test. The commissioner
9 may, within available appropriations, on [his] the commissioner's own
10 initiative and at state expense test animals participating in such contest
11 on a random basis for the presence of drugs. The authority in charge of
12 such contest shall provide well-lighted facilities, removed from the
13 public, for the administration of such test. The owner or trainer of any

14 animal being so tested shall provide assistance and proper restraint for
15 confining such animal for and during the administration of such test. If
16 the animal continues to resist the test after restraint is applied and the
17 person administering the test determines a danger exists to the animal
18 or persons present at the test, an alternative test shall be administered.
19 No prize money shall be paid until the result of the test is known. If
20 any such test reveals the presence of a drug in any such animal, such
21 animal shall be disqualified to participate in such contest, shall be
22 ineligible to receive any prize money awarded in such contest and
23 [such animal] shall be barred from participating in any such contest
24 held in this state for a period of one year from the date of receipt by the
25 commissioner of the results of the test. The owner or trainer or both the
26 owner and trainer of any such animal shall be barred from entering
27 any other animal in any such contest held in this state for a period of
28 not less than one year nor more than two years at the commissioner's
29 discretion from the date of receipt by the commissioner of the results
30 of the test for the first finding of the presence of a drug and for a
31 period of not less than two years nor more than three years at the
32 commissioner's discretion for a second such finding. The owner of any
33 such animal shall reimburse the authority in charge of such animal
34 drawing contest or the state, as the case may be, for the expense of
35 such test. The owner may appeal, in accordance with the provisions of
36 chapter 54, any action by the commissioner authorized by this section.
37 As used in this section: [,"drug"] (1) "Drug" means any medication,
38 stimulant, depressant, hypnotic or narcotic used in the diagnosis, cure,
39 mitigation, treatment or prevention of disease in [man] humans or
40 other animals; and (2) "trainer" means any person responsible for the
41 care, training, custody or performance of an animal including, but not
42 limited to, a person who signs an entry form for participation in a
43 drawing contest or who has control of the animal during a drawing
44 contest.

45 (b) Any owner or trainer who: (1) Fails to assist in the drug testing
46 of an animal, as provided in subsection (a) of this section; (2) does not

47 provide proper restraint for confining such animal for and during the
48 administration of such drug test; or (3) interferes in the restraint or
49 drug testing of such animal shall be barred from entering any other
50 animal in any such contest held in this state for a period of not less
51 than one year nor more than two years at the commissioner's
52 discretion from the date of the test.

53 (c) Any owner or trainer who violates subsection (a) or (b) of this
54 section shall be subject to administrative civil penalties, as provided in
55 section 22-7.

56 (d) Any owner or trainer of any animal that tests positive for the
57 presence of drugs in any other state shall be prohibited from entering
58 any animal in a drawing contest in this state for a period of not less
59 than one year or more than two years at the commissioner's discretion
60 from the date of any such drug test.

61 Sec. 2. This act shall take effect July 1, 2001.

Statement of Legislative Commissioners:

In subdivision (1) of subsection (b), the words "submit an animal for drug testing", were changed to "assist in the drug testing of an animal" in order to accurately reflect the provisions in subsection (a). In subdivision (2) of subsection (b), the words "provides improper" were changed to "does not provide proper" in order to accurately reflect the provisions in subsection (a).

ENV JOINT FAVORABLE SUBST.

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: Potential Minimal Revenue Gain and
Potential Minimal Cost

Affected Agencies: Department of Agriculture

Municipal Impact: None

Explanation**State Impact:**

To the extent that provisions in the bill make additional offenses subject to administrative civil penalties, there could be a workload increase to the Department of Agriculture and a minimal General Fund revenue gain. Based on past history, no more than 2 offenses are estimated to be committed a year.

OLR Bill Analysis

sHB 6554

AN ACT CONCERNING THE DRUG TESTING OF ANIMALS IN DRAWING CONTESTS.**SUMMARY:**

This bill authorizes the agriculture commissioner to penalize an animal trainer if the commissioner finds an animal entered in a drawing contest has been drugged, and specifies who is considered a trainer. The bill adds to the offenses for which owners and trainers may be temporarily barred from participating in drawing contests, and subjects owners and trainers who violate certain of its provisions to a maximum civil penalty of \$2,500 per violation, plus \$250 for each day the violation continues after the penalty is imposed.

EFFECTIVE DATE: July 1, 2001

OFFENSES AND PENALTIES

If the commissioner finds an animal has been drugged, he must bar the animal's owner or trainer, or both, from entering any other animal in any drawing contest in the state for between one and two years for a first offense, and for between two and three years for a second offense. The prohibition begins when the commissioner receives the test results. Under current law, the commissioner can only punish an owner.

The commissioner must bar owners or trainers from entering an animal in a drawing contest in the state for between one and two years if he finds they have :

1. failed to assist in the drug testing of an animal;
2. failed to properly restrain an animal for and during the drug test;
or

3. interfered with the animal's restraint or drug test.

The bill subjects any owner or trainer who violates any of the above provisions to a maximum civil penalty of \$2,500 per violation, plus \$250 for each day the violation continues after the penalty is imposed.

Under the bill, the commissioner must also bar owners or trainers from entering an animal in a drawing contest in the state for between one and two years if he finds they have owned or trained an animal that tested positive for drugs in another state.

TRAINER

A trainer is any person responsible for the care, training, custody or performance of an animal, including a person who signs an entry form for participation in a drawing contest, or who has control of the animal during such a contest.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 28 Nay 0